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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/694,979	10/28/2003	Pierre Aman	7309

SAMUELS, GAUTHIER & STEVENS LLP  
 Suite 330  
 Franklin Street 225  
 Boston, MA 02110



CONFIRMATION NO. 4425

## FORMALITIES LETTER



\*OC000000011797195\*

Date Mailed: 01/30/2004

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

B. Habtensoid

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Aman et al. **GROUP:** 1743  
**SERIAL NO:** 10/694,979 **EXAMINER:** Unknown  
**FILED:** October 28, 2003  
**FOR:** METHOD TO MEASURE GENE EXPRESSION RATION OF KEY GENES

**Mail Stop: Missing Parts**  
**Assistant Commissioner of Patents**  
**P.O. Box 1450, Alexandria, VA 22313-1450**  
**Sir:**

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT**  
**APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID**  
**SEQUENCE DISCLOSURES**

In response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures mailed on 1/30/04, a copy of which is enclosed, we also enclose herewith the following:

- 1) Amendment In Response To Notice Under 37 CFR §§1.821-825;
- 2) Amendment Transmittal;
- 3) Statement To Support Filing And Submission In Accordance With 37 C.F.R. §§ 1.821-1.825;
- 4) Sequence Listing; and
- 5) 3 ½ floppy.disk containing the Sequence Listing

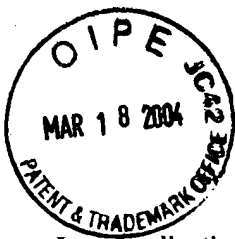
The Commissioner is authorized to charge Deposit Order Account No. 19-0079 for any further extension and/or fee that is required.

Respectfully submitted,

Richard L. Stevens, Jr.  
Registration No. 44,357  
Samuels, Gauthier & Stevens LLP  
225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110  
Telephone: (617) 426-9180  
Extension: 123

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: Missing Parts.

Deborah M. Costello  
3/16/04  
Date



Strom.7309  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aman et al.

Serial No.: 10/694,979

Group No: 1743

Filed: October 28, 2003

Examiner: Unknown

For: METHOD TO MEASURE GENE EXPRESSION RATIO OF KEY GENES

Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

\_\_\_ a small entity - verified statement:

\_\_\_ attached.

\_\_\_ already filed.

X other than a small entity.

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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 3/16/04

Deborah M. Costello  
(Type or print name of person mailing letter)

Deborah M. Costello  
(Signature of person mailing paper)

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) \_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___ one month	\$ 110.00	\$ 55.00
___ two months	\$ 400.00	\$200.00
___ three months	\$ 920.00	\$460.00
___ four months	\$1,440.00	\$720.00
___ fifth month	\$1,960.00	\$980.00

Fee \$ 00.00

If an additional extension of time is required please consider this a petition therefor.  
(check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of  
\$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) \_\_\_ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOREXTRA	PRESENT RATE	FEE	ADDIT. OR	RATE	FEE
TOTAL	MINUS	=	x 9= \$		x18=	\$
INDEP.	MINUS	=	x40= \$		x80=	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+135=\$		+\$270=	\$
			TOTAL ADDIT. FEE \$	OR	TOTAL ADDIT. FEE	\$

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.  
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (, 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR , 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c)   X   No additional fee for claims is required.

OR

- (d)        Total additional fee for claims required \$                     .

## FEE PAYMENT

5.        Attached is a check in the sum of \$ 00.00 .
- Charge Account No.                      the sum of \$             .
- A duplicate of this transmittal is attached.

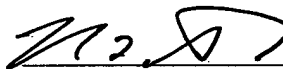
### FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. X If any additional extension and/or fee is required, charge Account No. 19-0079

### AND/OR

       If any additional fee for claims is required, charge Account No. 19-0079



SIGNATURE OF ATTORNEY

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